

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

DAVID CHERRY, personal)	
representative of the ESTATE)	
OF PAMELA CHERRY)	
)	
Plaintiff)	CIVIL ACTION NO. 2:12-cv-00043
)	
VERSUS)	JUDGE TRAUGER
)	MAGISTRATE JUDGE KNOWLES
MACON HOSPITAL, INC. d/b/a)	
MACON COUNTY GENERAL)	
HOSPITAL, HANNA C. ILIA, M.D.,)	
JAMES BARLOW, JIMMY PHILPOTT,)	
CELINA FIRE DEPARTMENT EMS)	
and CLAY COUNTY E911 BOARD,)	
)	
Defendants)	

MOTION FOR SUMMARY JUDGMENT
ON BEHALF OF JAMES BARLOW AND JIMMY PHILPOTT

Come the defendants, James Barlow and Jimmy Philpott, pursuant to Rule 56 of the Federal Rules of Civil Procedure, and move the Court to dismiss them and to grant summary judgment in this case. There are no material issues of fact in dispute, and these defendants are entitled to be dismissed as a matter of law because they have total personal immunity pursuant to Tennessee Code Annotated, § 29-23-310(c) and the Tennessee Supreme Court holding in *Hill v. Germantown*, 31 S.W.3d 234 (Tenn. 2010), and its progeny.

Attached is a Memorandum of Law in Support of this Motion. Also attached are the Affidavit of Kristy Copas and a Statement of Material Facts to Which There is No Genuine Issue.

Respectfully submitted,

MOORE, RADER AND
FITZPATRICK, P. C.

By s/Daniel H. Rader III, B.P.R. No.002835

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CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2013, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system:

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This the 20th day of December, 2013.

MOORE, RADER AND
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